

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 MARK ANTHONY BROWN,  
12 Plaintiff,  
13 v.  
14 F. RODRIGUEZ, et al.,  
15 Defendants.

Case No. 1:20-cv-00661-NONE-EPG (PC)

**ORDER SETTING SETTLEMENT  
CONFERENCE**

Date: April 15, 2021  
Time: 10:30 a.m.

17 On January 4, 2021, the Court granted Plaintiff's motion for an early settlement  
18 conference and directed Defendants' counsel to contact the undersigned's courtroom deputy to  
19 schedule the conference. (Doc. 42.)

20 Accordingly, the Court ORDERS:

- 21 1. This matter is set for a settlement conference via Zoom before the undersigned on  
22 **April 15, 2021, at 10:30 a.m.**
- 23 2. Defense counsel shall arrange for Plaintiff's participation. Prior to the conference,  
24 defense counsel shall contact the undersigned's courtroom deputy at  
25 wkusamura@caed.uscourts.gov to arrange for the Zoom videoconference connection  
26 information. The Court will issue a writ of *habeas corpus ad testificandum*, as  
27 appropriate.

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- 1       3. Each party or a representative with full authority to negotiate and enter into a binding
- 2       settlement agreement shall participate in the conference. The failure of any counsel,
- 3       party, or authorized person subject to this order to participate in the conference may
- 4       result in the imposition of sanctions.
- 5       4. Consideration of settlement is a serious matter that requires thorough preparation prior
- 6       to the settlement conference. Participants in the conference must be prepared to
- 7       discuss the claims, defenses, and damages.
- 8       5. The parties shall engage in informal settlement negotiations as follows:

9       **No later than February 12, 2020**, Plaintiff shall submit to Defendants, by mail, a  
10      written itemization of damages and a meaningful settlement demand, including a brief  
11      explanation of why such settlement is appropriate, which should not exceed 5 pages.

12      **No later than March 5, 2021**, Defendants shall respond, by mail or telephone, with  
13      an acceptance of Plaintiff's offer or a meaningful counteroffer, including a brief  
14      explanation of why such settlement is appropriate.

15      If settlement is achieved, the parties shall file a Notice of Settlement as required by  
16      Local Rule 160.

- 17       6. If settlement is not achieved informally, the parties shall submit confidential  
18       settlement conference statements **no later than April 2, 2021**.

19      Defendants shall email their statement to skoorders@caed.uscourts.gov. Plaintiff shall  
20      mail his statement, clearly captioned "Confidential Settlement Conference Statement,"  
21      to United States District Court, Attn: Magistrate Judge Sheila K. Oberto, 2500 Tulare  
22      Street, Room 1501, Fresno, CA 93721.

23      Once the parties have submitted their statements, they shall file a "Notice of  
24      Submission of Confidential Settlement Conference Statement" with the court. The  
25      confidential settlement conference statements themselves **should not be filed** with the  
26      court **or served** on the opposing party.

7. The confidential settlement conference statements should be no longer than 5 pages in length, typed or neatly printed, and include:
  - a. A brief summary of the facts of the case;
  - b. A brief summary of the claims and defenses of the case, i.e., the statutory, constitutional, or other grounds upon which the claims are founded;
  - c. A forthright discussion of the strengths and weaknesses of the case and an evaluation of the likelihood of prevailing on the claims or defenses, from the party's perspective, and a description of the major issues in dispute;
  - d. An estimate of the party's expected costs and time to be expended for further discovery, pretrial matters, and trial;
  - e. A summary of past settlement discussions, including the initial settlement negotiations required above; a statement of the party's current position on settlement, including the amount the party would offer and accept to settle (in specific dollar amounts); and a statement of the party's expectations for settlement discussions;
  - f. A list of the individuals who will be attending the conference on the party's behalf, including names and, if appropriate, titles; and,
  - g. If a party intends to discuss the settlement of any other actions or claims not raised in this suit, a brief description of each action or claim, including case number(s), as applicable.

IT IS SO ORDERED.

Dated: **January 14, 2021**

[S] Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE